

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT DECREASING BY \$10 THE GENERAL FEE FOR FILING A CIVIL  
5 ACTION IN DISTRICT COURT; DECREASING FUNDING FOR THE CIVIL LEGAL ASSISTANCE FOR  
6 INDIGENT VICTIMS OF DOMESTIC VIOLENCE ACCOUNT BY THE AMOUNT OF THE REDUCTION;  
7 AMENDING SECTIONS 3-2-714 AND 25-1-201, MCA; AND PROVIDING AN EFFECTIVE DATE."

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 3-2-714, MCA, is amended to read:

12 **"3-2-714. Civil legal assistance for indigent victims of domestic violence account.** (1) There is a  
13 civil legal assistance for indigent victims of domestic violence account in the state special revenue fund.  
14 There must be paid into this account the filing fees paid under 25-1-201(4)(a) ~~and (11)~~. The money in the  
15 account must be used solely for the purpose of providing legal representation for indigent victims in civil  
16 matters in domestic violence cases and for alternative dispute resolution initiatives in family law cases.  
17 Money in the account may not be used for class action lawsuits.

18 (2) The supreme court administrator shall establish procedures for the distribution and  
19 accountability of money in the account. The supreme court administrator may designate nonprofit  
20 organizations that ordinarily render or finance legal services to indigent persons in civil matters in domestic  
21 violence cases to receive or administer the distribution of the funds."

22

23 **Section 2.** Section 25-1-201, MCA, is amended to read:

24 **"25-1-201. Fees of clerk of district court.** (1) The clerk of the district court shall collect the  
25 following fees:

26 (a) at the commencement of each action or proceeding, except a petition for dissolution of  
27 marriage, from the plaintiff or petitioner, ~~\$90~~ \$80; for filing a complaint in intervention, from the  
28 intervenor, \$80; for filing a petition for dissolution of marriage, \$160; for filing a petition for legal  
29 separation, \$150; and for filing a petition for a contested amendment of a final parenting plan, \$120;

30 (b) from each defendant or respondent, on appearance, \$60;

(c) on the entry of judgment, from the prevailing party, \$45;

(d) for preparing copies of papers on file in the clerk's office, 50 cents a page for the first five pages of each file, for each request, and 25 cents for each additional page;

(e) for each certificate, with seal, \$2;

(f) for oath and jurat, with seal, \$1;

(g) for a search of court records, 50 cents for each year searched, not to exceed a total of \$25;

(h) for filing and docketing a transcript of judgment or transcript of the docket from all other courts, the fee for entry of judgment provided for in subsection (1)(c);

(i) for issuing an execution or order of sale on a foreclosure of a lien, \$5;

(j) for transmission of records or files or transfer of a case to another court, \$5;

(k) for filing and entering papers received by transfer from other courts, \$10;

(l) for issuing a marriage license, \$30;

(m) on the filing of an application for informal, formal, or supervised probate or for the appointment of a personal representative or the filing of a petition for the appointment of a guardian or conservator, from the applicant or petitioner, \$70, which includes the fee for filing a will for probate;

(n) on the filing of the items required in 72-4-303 by a domiciliary foreign personal representative of the estate of a nonresident decedent, \$55;

(o) for filing a declaration of marriage without solemnization, \$30;

(p) for filing a motion for substitution of a judge, \$100;

(q) for filing a petition for adoption, \$75.

(2) Except as provided in subsections (3) through ~~(11)~~ (10), 32% of all fees collected by the clerk of the district court must be deposited in and credited to the district court fund. If no district court fund exists, that portion of the fees must be deposited in the general fund for district court operations. The remaining portion of the fees must be remitted to the state general fund.

(3) In the case of a fee collected for issuing a marriage license or filing a declaration of marriage without solemnization, \$23.60 must be deposited in and credited to the state general fund and \$6.40 must be deposited in and credited to the county general fund.

(4) (a) Of the fee for filing a petition for dissolution of marriage, \$20 must be remitted as required in subsection (8), \$75 must be deposited in the state general fund, \$5 must be deposited in the children's trust fund account established in 41-3-702, \$9 must be deposited in the civil legal assistance for indigent

1 victims of domestic violence account established in 3-2-714, \$30 must be deposited in the partner and  
2 family member assault intervention and treatment fund established in 40-15-110, and \$21 must be  
3 deposited in and credited to the district court fund. If no district court fund exists, the \$21 must be  
4 deposited in the general fund for district court operations.

5 (b) Of the fee for filing a petition for legal separation, \$20 must be remitted as required in  
6 subsection (8), \$75 must be deposited in the state general fund, \$5 must be deposited in the children's  
7 trust fund account established in 41-3-702, \$30 must be deposited in the partner and family member  
8 assault intervention and treatment fund established in 40-15-110, and \$20 must be deposited in and  
9 credited to the district court fund. If no district court fund exists, the \$20 must be deposited in the general  
10 fund for district court operations.

11 (5) (a) Before the percentages contained in subsection (2) are applied and the fees deposited in  
12 the district court fund or the county general fund or remitted to the state, the clerk of the district court  
13 shall deduct from the following fees the amounts indicated:

14 (i) at the commencement of each action or proceeding and for filing a complaint in intervention,  
15 as provided in subsection (1)(a), \$35;

16 (ii) from each defendant or respondent, on appearance, as provided in subsection (1)(b), \$25;

17 (iii) on the entry of judgment, as provided in subsection (1)(c), \$15; and

18 (iv) from the applicant or petitioner, on the filing of an application for probate or for the  
19 appointment of a personal representative or on the filing of a petition for appointment of a guardian or  
20 conservator, as provided in subsection (1)(m), \$15.

21 (b) The clerk of the district court shall deposit the money deducted in subsection (5)(a) in the  
22 county general fund for district court operations unless the county has a district court fund. If the county  
23 has a district court fund, the money must be deposited in that fund.

24 (6) The fee for filing a motion for substitution of a judge, as provided in subsection (1)(p), must  
25 be remitted to the state general fund.

26 (7) Fees collected under subsections (1)(d) through (1)(i) must be deposited in the district court  
27 fund. If no district court fund exists, fees must be deposited in the general fund for district court  
28 operations.

29 (8) The clerk of the district court shall remit to the credit of the state general fund \$20 of each  
30 fee collected under the provisions of subsections (1)(a) through (1)(c), (1)(m), and (1)(n) to fund a portion

1 of judicial salaries.

2 (9) (a) The fee for filing a petition for a contested amendment of a parenting plan must be remitted  
3 by the clerk of the district court to the credit of the district court to defray the costs of the  
4 court-sanctioned educational program concerning the effects of dissolution of marriage on children, as  
5 required in 40-4-226, and to defray the expense of education when ordered for the investigation and  
6 preparation of a report concerning parenting arrangements, as provided in 40-4-215(2)(a).

7 (b) If the moving party files a statement signed by the nonmoving party agreeing not to contest  
8 an amendment of a final parenting plan at the time the petition for amendment is filed, the clerk of the  
9 district court may not collect from the moving party the fee for filing a petition for a contested amendment  
10 of a parenting plan under subsection (1)(a).

11 (10) The clerk of district court shall remit to the credit of the special revenue account established  
12 in 42-2-105 \$70 of the filing fee required in subsection (1)(q), and \$5 of the filing fee must be deposited  
13 in the district court fund. If no district court fund exists, fees must be deposited in the general fund for  
14 district court operations.

15 ~~(11) Of the fee for filing an action or proceeding, except a petition for dissolution of marriage, \$9~~  
16 ~~must be deposited in the civil legal assistance for indigent victims of domestic violence account established~~  
17 ~~in 3-2-714 and \$1 must be deposited in and credited to the district court fund for mitigation of~~  
18 ~~administrative costs incurred by the court in the collection of the fee. If a district court fund does not exist,~~  
19 ~~the \$1 must be deposited in the county general fund for district court operations."~~

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21 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2001.

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